

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LEONA ANN FLETCHER,

§

Plaintiff,

§

v.

§

UNKNOWN OFFICER, BADGE #131,
JASPER POLICE DEPARTMENT,

§

Defendant.

§

§

CIVIL ACTION NO. 1:24-CV-367-MJT-CLS

ORDER ADOPTING THE REPORT AND

RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE [DKT. 6]

Plaintiff Leona Ann Fletcher brought this *pro se* lawsuit alleging a violation of her civil rights by an unknown police officer of the City of Jasper, Texas Police Department. [Dkt. 1]. The District Court referred this case to the Honorable Christine L. Stetson, United States Magistrate Judge, to conduct all pretrial proceedings, to enter findings of fact and recommend disposition on case-dispositive matters, and to determine non-dispositive matters. *See* 28 U.S.C. § 636(b)(1); E.D. TEX. LOC. R. CV-72. On October 9, 2024, Judge Stetson issued a Report and Recommendation [Dkt 6] advising the Court to dismiss Plaintiff's case without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

I. Background

On September 13, 2024, Judge Stetson entered an order granting Plaintiff's motion to proceed *in forma pauperis*. [Dkt. 3]. Upon liberal review of Plaintiff's complaint and accounting for her *in forma pauperis* status, Judge Stetson entered a second order on September 13, 2024, requesting that Plaintiff amend her complaint. [Dkt. 4]. Plaintiff had ten (10) days from the entry of the order to file an amended complaint complying with the order. *Id.* at 2. The order advised

Plaintiff that her failure to do so could result in a recommendation that her lawsuit be dismissed, with or without prejudice, for failure to prosecute or to obey an order of the Court under Federal Rule of Civil Procedure 41(b). *Id.*

On September 26, 2024, Plaintiff called and informed the Court that she had received Judge Stetson's order, *id.*, that day and that she would be submitting a request for an extension of time to file an amended complaint. On October 15, 2024, Plaintiff filed a letter motion requesting more time to file in light of recent health setbacks. [Dkt. 7]. On October 17, 2024, Judge Stetson granted Plaintiff's request and ordered Plaintiff to file an amended complaint complying with the order no later than November 4, 2024. [Dkt. 8]. To date, Plaintiff has not filed an amended complaint nor objections to Judge Stetson's Report and Recommendation [Dkt. 6].

II. Conclusion and Order

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge [Dkt. 6] is **ADOPTED**. Pursuant to Federal Rule of Civil Procedure 41(b), Plaintiff Leona Ann Fletcher's claims are **DISMISSED** without prejudice for failure to prosecute and obey the Court's orders.

SIGNED this 8th day of November, 2024.



Michael J. Truncale
United States District Judge